

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CHRISTIANA OGAMIEN,

Petitioner,

v.

Civil No. 09-1970 (JRT/FLN)

UNITED STATES IMMIGRATION
AND CUSTOMS ENFORCEMENT,
Division of the Department of Homeland
Security, UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY, JANET NAPOLITANO,
Secretary of Department of Homeland
Security, and SCOTT BANIECKE, St.
Paul Field Office Director for Detention
and Removal Operation,

**TEMPORARY RESTRAINING
ORDER**

Respondents.

Richard L. Breitman, **BREITMAN IMMIGRATION LAW FRIM**, 2901
Metro Drive, Suite 501, Minneapolis, MN 55425, for petitioner.

Gregory G. Booker, **UNITED STATES ATTORNEY'S OFFICE**, 300
South Fourth Street, Suite 600, Minneapolis, MN 55415, for respondents.

Petitioner has requested a temporary restraining order to enjoin the United States Immigration and Customs Enforcement ("ICE") from removing her from the United States. Petitioner is currently in ICE custody pending deportation to Nigeria.

The Court has reviewed the factors relevant to determining whether injunctive relief is appropriate here. *See Dataphase Sys., Inc. v. CL Sys., Inc.*, 640 F.2d 109, 113

(8th Cir. 1981) (holding that a court should consider “(1) the threat of irreparable harm to the movant; (2) the state of the balance between this harm and the injury that granting the injunction will inflict on other parties litigant; (3) the probability that [the] movant will succeed on the merits; and (4) the public interest”). For the purposes of preserving the status quo, and minimizing the possibility of irreparable harm until the Court has the opportunity to rule on the Petition for Writ of Habeas Corpus, the Court issues the following order.

Based upon the arguments of counsel and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Petitioner’s Motion for a Temporary Restraining Order [Docket No. 2] is **GRANTED**.

2. The Court will hold a hearing on the Petition for Writ of Habeas Corpus [Docket No. 1] on July 30, 2009 at 1:30 P.M.

3. Until further order of the Court, the United States Immigration and Customs Enforcement is prohibited from removing petitioner from the United States.

DATED: July 28, 2009
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge